

ASSEMBLY BILL

No. 2416

Introduced by Assembly Member Machado

February 24, 2000

An act to add Title 4.9 (commencing with Section 4498) to Part 3 of the Penal Code, relating to adult detention facilities, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

AB 2416, as introduced, Machado. County adult detention facilities.

Existing law directs the Board of Corrections to allocate and administer the moneys intended for county jails in the County Correctional Facilities Capital Expenditure and Youth Facilities Bond Act of 1988.

This bill would authorize the Board of Corrections to expend funds upon appropriation by the Legislature, for purposes of awarding to counties on a competitive basis for the construction, expansion, renovation, and reconstruction of county adult detention facilities. This bill would authorize up to 1½% of these funds to be used by the board for administration of the County Adult Detention Facilities Act, established by this bill. This bill would provide specified standards, funding schedules and procedures to be followed to determine which counties shall be awarded a grant pursuant to these provisions.

This bill would appropriate \$100,000,000 from the General Fund, for the purposes of these provisions.

Vote: $\frac{2}{3}$. Appropriation: yes. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Title 4.9 (commencing with Section
2 4498) is added to Part 3 of the Penal Code, to read:

3

4 TITLE 4.9. COUNTY ADULT DETENTION
5 FACILITIES ACT
6

7 4498. This title shall be known and may be cited as the
8 County Adult Detention Facilities Act.

9 4498.1. (a) Upon appropriation by the Legislature,
10 funds shall be made available to the Board of Corrections
11 for the purpose of awarding grants on a competitive basis
12 to counties for the construction, expansion, renovation,
13 and reconstruction of county adult detention facilities.
14 Up to $1\frac{1}{2}$ percent of these moneys may be used by the
15 board for administration of this title.

16 (b) In awarding funds the board shall give priority to
17 counties with federally or locally court-imposed caps on
18 adult detention populations that have resulted in the
19 release of inmates prior to their scheduled release date.

20 (c) An application for funds shall be in the manner and
21 form prescribed by the board and pursuant to
22 recommendations of an allocation advisory committee
23 appointed by the board. From these recommendations an
24 allocation plan shall be developed and adopted by the
25 board. The allocation and advisory committee shall
26 convene upon notification by the board.

27 (d) The board shall also establish minimum standards,
28 funding schedules, and procedures that take into
29 consideration, but are not limited to, all of the following
30 for any project:

31 (1) Possession of site assurance for the project or
32 projects.

33 (2) Documentation of the need for the project or
34 projects.



1 (3) Adoption of a formal county plan to finance
2 construction of the proposed project or projects.

3 (4) Submittal of a preliminary staffing plan and
4 operating cost estimate for the project or projects.

5 (5) Submittal of architectural drawings, which shall be
6 approved by the board for compliance with minimum
7 adult detention facility standards, and approved by the
8 State Fire Marshal for compliance with fire safety and life
9 safety requirements.

10 (6) Documentation that the facilities will be safely
11 staffed and operated in compliance with the board's
12 standards set forth in Title 15 of the California Code of
13 Regulations.

14 (e) The board shall not be deemed a responsible
15 agency, as defined in Section 21069 of the Public
16 Resources Code, or otherwise be subject to the California
17 Environmental Quality Act (Division 13 (commencing
18 with Section 21000) of the Public Resources Code) for any
19 activities undertaken or funded pursuant to this title.

20 (f) Funds appropriated for purposes of this title shall
21 be used to supplement, rather than supplant, funding for
22 facility projects.

23 SEC. 2. The sum of one hundred million dollars
24 (\$100,000,000) is hereby appropriated from the General
25 Fund, without regard to fiscal years, for the purpose of
26 funding the county adult detention facilities provided for
27 in Title 4.9 (commencing with Section 4498) of Part 3 of
28 the Penal Code.

